

UNITED STATES DISTRICT COURT  
Northern District of California

BERNARDO MENDIA

Plaintiff,

v.

JOHN M. GARCIA, et al.

Defendants.

No. C 10-3910 MEJ

**SECOND ORDER DIRECTING TO  
FILE CONSENT/DECLINATION  
FORM**

On September 7, 2010, the Court ordered Plaintiff Bernardo Mendia to file a consent to magistrate judge jurisdiction or request reassignment to a United States District Judge for trial by September 23, 2010. Plaintiff has not responded to the Court's order. This civil case was randomly assigned to Magistrate Judge James for all purposes including trial. In accordance with 28 U.S.C. § 636(c), the magistrate judges of this district court are designated to conduct any and all proceedings in a civil case, including trial and entry of final judgment, upon the consent of the parties. An appeal from a judgment entered by Magistrate Judge James may be taken directly to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of a district court.

You have the right to have your case assigned to a United States District Judge for trial and disposition. Accordingly, Plaintiff shall inform the Court, by way of the enclosed form, whether he consents to Magistrate Judge James' jurisdiction or requests reassignment to a United States District Judge for trial. The consent/declination form shall be filed by October 14, 2010.

**IT IS SO ORDERED.**

Dated: September 30, 2010

  
\_\_\_\_\_  
Maria-Elena Jones  
Chief United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BERNARDO MENDIA

No. C 10-03910 MEJ

Plaintiff(s),

vs.

JOHN M. GARCIA

Defendant(s).

**CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. § 636(c), the undersigned party hereby consents to have a United States Magistrate Judge conduct any and all further proceedings in this case, including trial, and order the entry of final judgment, and voluntarily waives the right to proceed before a United States District Judge.

Dated: \_\_\_\_\_

Signed by: \_\_\_\_\_

Counsel for: \_\_\_\_\_

**REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition, and hereby requests the reassignment of this case to a United States District Judge.

Dated: \_\_\_\_\_

Signed by: \_\_\_\_\_

Counsel for: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

BERNARDO MENDIA

Case Number: 10-03910 MEJ

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

JOHN M. GARCIA

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 30, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Bernardo Mendia  
P.O. Box 28032  
Oakland, CA 94604

Dated: September 30, 2010

Richard W. Wieking, Clerk  
By: Brenda Tolbert, Deputy Clerk